

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : GRATZL, et al.  
For : DEVICES AND METHODS FOR  
ASSESSING CELLULAR  
TRANSPORT FOR RESEARCH,  
DRUG DISCOVERY AND TESTING,  
CLINICAL DIAGNOSES AND  
THERAPY DESIGN  
Serial No. : 09/980,089  
Filed : November 28, 2001  
Confirmation No. : 8107  
Examiner : Unknown  
Last Office Action : None  
Attorney Docket No. : CWR 2 0282  
Cleveland, Ohio 44114-2518

Assistant Commissioner For Patents  
Washington, D.C. 20231

**PETITION TO ACCEPT SIGNATURE OF PROPRIETARY INTEREST HOLDER  
ON BEHALF OF NON-SIGNING INVENTORS UNDER 37 CFR § 1.47(b)**

I, Catherine A. Porto, Associate Vice-President, Technology Transfer, Case Western Reserve University ("CWRU"), having personal knowledge of the facts set forth herein, hereby petitions the United States Patent and Trademark Office to accept my signature on behalf of Case Western Reserve University and the inventors whose signatures are missing and states as follows:

1. I am employed at Case Western Reserv University (hereinafter "CWRU") of Cleveland, Ohio as the Associate Vice-President, Technology Transfer.
2. On May 30, 2000, International Application No. PCT/US00/14805 was filed on behalf of CWRU. This application designated, among other countries, the United States.
3. A National Phase application in the United States was filed on November 28, 2001 claiming priority to International Application No. PCT/US00/14805.
4. The U.S. Application was assigned U.S. Application No. 09/980,059 and a Notification to File Missing Parts was sent by the United States Patent and Trademark Office on February 11, 2002.
5. The Missing Parts Notice identified that a signed oath/declaration is required which is in compliance with 37 C.F.R. 1.497(a) and (b).
6. Upon diligently attempting to contact the below listed inventors directly and through outside patent counsel, no replies were received. The last known addresses of these inventors are listed below.

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7. Case Western Reserve University submits that it has a proprietary interest in this matter as the invention was made utilizing Case Western Reserve University funding, facilities, and time.

8. It is submitted that because Case Western Reserve University has a proprietary interest in this matter there is justification to accept its signature in place of the missing inventors in order to protect both Case Western Reserve University's and the inventors' legitimate rights in the United States and to prevent irrevocable damage to the inventors and to Case Western Reserve University.

9. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the APPLICATION or any patent issued thereon.

Case Western Reserve University:

Date: August 12, 2002

By:   
Catherine A. Porto  
Associate Vice-President, Technology Transfer